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Canada. Parliament. House of Commons. Special Committee on Defence of Canada Regulations.

Minutes of Proceedings and Evidence, no.1, May 1944

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SESSION 1944

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DEFENCE OF CANADA REGULATIONS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

TUESDAY, MAY 2, 1944

THURSDAY, MAY 11, 1944

WITNESSES:

The Hon. Senator Norman McL. Paterson; Mr. Paul MacFarlane;
Mrs. P. A. Wheeler; the Hon. Mr. Justice J. D. Hyndman.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1944

ORDERS OF REFERENCE

HOUSE OF COMMONS,

FRIDAY, February 18, 1944.

Resolved,—That a Select Committee of this House, consisting of the following members: Messrs. Bertrand (*Laurier*), Black (*Yukon*), Claxton, Dorion, Dupuis, Hazen, Hlynka, McKinnon (*Kenora-Rainy River*), Martin, Maybank, McGeer, Noseworthy, Ross (*Calgary East*), Slaght, Stirling, be appointed to consider and review the Defence of Canada Regulations (Consolidation) 1942 and amendments thereto, and the law relating to naturalization and deportation; with power to send for persons, papers and records; to examine witnesses under oath; and to report their opinions and observations from time to time to the House.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

FRIDAY, 21st April, 1944.

Ordered,—That the name of Mr. Farquhar be substituted for that of Mr. McKinnon (*Kenora-Rainy River*) on the said Committee.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

TUESDAY, May 2, 1944.

Ordered,—That the said Committee be empowered to print from day to day, 500 copies in English and 200 copies in French of the minutes of its proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

Ordered,—That the said Committee be empowered to sit while the House is sitting.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

Senator Paterson filed a booklet prepared by the Hon. Mr. Justice A. K. Dysart of Winnipeg, Manitoba, *Naturalization in Canada: Procedure and Significance*.

On motion of Mr. Dupuis:—

Ordered,—That Mr. Justice Dysart's recommendations be printed as an appendix to this day's minutes of evidence.

Mrs. Wheeler read a memorandum, *Suggested Outline of Program for Naturalization Procedure*.

Mr. Hlynka asked that he be given an opportunity to make representations regarding the naturalization of certain aliens who had not learned to speak either English or French. After discussion, it was decided that Mr. Hlynka be heard at the next meeting and that arrangements be made for the attendance of Mr. Coderre, Chief of the Naturalization Branch of the Department of the Secretary of State.

At 12.10 o'clock p.m. the Committee adjourned until Thursday, May 18, at 11 o'clock a.m.

A. L. BURGESS,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 11, 1944.

The Special Committee on Defence of Canada Regulations met this day at 11.00 o'clock a.m. The Chairman, the Honourable Mr. E. Bertrand, presided.

The CHAIRMAN: We have with us to-day Honourable Judge Hyndman, Senator Paterson and Mrs. Wheeler. Is it your pleasure to hear Senator Paterson first? I understand that he wants to put the case before the committee.

Some Hon. MEMBERS: Yes.

The CHAIRMAN: Then will you proceed, Senator Paterson? You may sit down.

HONOURABLE NORMAN McL. PATERSON, called:

The WITNESS: I am going to sit down in a minute. I would rather stand up just now in order to introduce Judge Hyndman. I am representing the Canadian Club movement in Canada, an association of Canadian Clubs which represent about 94 clubs across Canada, women's and men's clubs, in practically every large city. We are all affiliated and handle the speakers principally from our head office here in Ottawa. There has been a demand recently by several of the larger clubs that the national association take some more definite interest in new Canadians. The Canadian Club movement is essentially a lecture club for the enlightenment of Canadians. It is not confined to any particular subject. The basic interest of the Canadian Club is citizenship. Some of our clubs feel that a bigger interest in instructing new Canadians as to the value of their heritage and the value of coming into Canada, should be our object. We have asked for an interview here to find if any changes are being made in the naturalization laws and if any are contemplated, and I think that I should suggest that Judge Hyndman present our case as, having been on the bench, he has naturalized a great number of people and has been identified with this movement, with Judge Dysart, for a number of years. I think if you will bear with him, he will explain the situation better than I can.

The CHAIRMAN: Thank you, Senator Paterson. Mr. Justice Hyndman, will you please take the chair?

HONOURABLE MR. JUSTICE J. D. HYNDMAN, called:

The WITNESS: Mr. Chairman, I was only told or notified that you would like to hear something about this matter a week or so ago, and I am not quite sure that I am very well prepared with detail. But I represent, along with Senator Paterson, the Canadian Club. I may say that the real object which the Canadian Club has in view is to insure some method of impressing more upon the applicants for naturalization the importance of becoming Canadian citizens; that is, the importance of being naturalized. Perhaps if I might read this resolution of the Canadian Club of Regina some years ago, it would help to express the idea we have in mind. It says:—

Resolved that the association of Canadian Clubs in conference assembled records its opinion that the Canadian method of naturalizing

aliens is lacking in ceremony, impressiveness and especially in instructiveness; and that these defects ought, in our national interests, to be speedily and effectively remedied.

That we approve of the action of our Winnipeg Club in the initiation by it of ceremonial distributions of naturalization certificates, and approve of those proceedings.

That is the point, I think, that the Canadian Club is interested in.

Speaking from my own experience when I was on the bench in Alberta, I did have before me probably a couple of thousand applicants for naturalization. All that amounted to was that on a certain day an applicant would appear just by himself—on chamber day or something of that sort. He went in the witness box and the judge's only duty apparently was to ascertain whether he could make himself reasonably clear in English or in French. That was the principal object of the appearance in court. All the inquiries about his character and that sort of thing were done by the Mounted Police under the Secretary of State's department; so it was really a pure formality so far as the court proceedings were concerned, merely examining the man to see if he could make himself intelligible in English or French. If we found that he was able to speak fairly well, get along in ordinary business, we certified or approved of a certificate of naturalization. That went to the Secretary of State and after he examined all the material in the case he would either grant or reject an application and a certificate was issued by the Secretary of State. As I say there was no ceremony at all. After the report came to Ottawa and the certificate was issued by the Secretary of State, the certificate was forwarded to the Clerk of the Court in the district in which the man resided and he was notified by the clerk—that is, the applicant was notified by the clerk—to attend before him and take the oath of allegiance. So he went into the clerk's office and signed the oath of allegiance there in a very informal way. After that was done, the certificate was handed to him. Under the law the certificate would not be given to him until he took the oath of allegiance. That did not amount to anything. Many of these foreigners really did not appreciate what the thing meant at all. There were many of them who wanted a certificate of naturalization in order to get their homesteads or something of that sort.

By Mr. Ross (Calgary):

Q. Or to get on relief?—A. Or to get on relief, perhaps, too.

By Mr. Black (Yukon):

Q. Old age pensions?—A. Yes. So that really the ceremony, so-called, did not amount to anything. In Winnipeg they realized that situation. Judge Dysart, at any rate, in the case of examining a man, would always have, you might say, a little bit of formality or ceremony in connection with it, although at the time he could not say whether the man would be naturalized or not. At the time of his examination he impressed on him the seriousness of the matter.

By Hon. Mr. Stirling:

Q. May I ask if it was after his attendance on the clerk that he appeared before the judge?—A. No.

Q. It was before?—A. Yes. There was no further appearance. He simply came into town, went to the clerk's office, would take the oath of allegiance before the clerk, the clerk would hand him a certificate, he would go off and that was the end of it.

Q. When did he reach the judge? Was that after he received it?—A. He attended before the judge before the certificate was issued. The judge examined him to see if he could make himself intelligible in English or French. That was really the whole object of that. I think I put through eighty or ninety in one day.

By Mr. Black (Yukon):

Q. In British Columbia they require the applicants to have two sponsors appear with him before the judge.—A. That is not provided for in any of the regulations, but that may be imposed as a little requirement there just on their own motion. But there is nothing providing for that.

I was going to say that in 1940 Mr. MacNeill, parliamentary counsel of the senate, Mr. Coleman and I went down to Washington to inquire into the proceedings leading up to naturalization down there. We were greatly impressed with the way in which they naturalized people in the United States. In the first place, an applicant had to reside in the United States five years, I think it was, and within two years before he applied he had to make a declaration of intention, or file a declaration of intention; notice of intention, as they call it.

By the Chairman:

Q. They call it the first papers.—A. The first papers, they call it. That gave the authorities down there practically two years to make inquiries as to the man, and they would send over to his country to find out about him. Suppose he came from Germany, England, Scotland or anywhere you like. They would inquire over there through the proper channels as to the character of this man and get all possible information about him before he ever came to the United States. Then when it came to the application, he had to be sponsored by two United States' citizens of standing in his community. They had to certify that they knew him, that he was of good character, and give other information about him. Then after the two years, when this application was made and filed, he would then have to appear before the court. The government does not naturalize applicants. It is the court that naturalizes them. So he appears before the court. This I think is an important point. They appear on certain days. They have naturalization courts so many times a year—I think it is three or four times a year—and all these applicants have to come in and attend that one session of the court, with their sponsors. I can tell you what we actually saw.

When in Washington we asked the people there, who were exceedingly kind and showed us everything they had there, if there was any court sitting about that time and they said there was none in Washington but there was one in New Brunswick, New Jersey. So Mr. MacNeill and I went to New Brunswick and got into the court there. The judge asked us to sit on the bench with him, so we sat on the bench all one morning with the judge; and I think there were about eighty or so applicants there. The court house was crowded; in fact, they had to close the doors, and there must have been a couple of hundred outside waiting for the next batch, so to speak. They were standing all around the halls and everywhere else. The place was crowded. Then the representative of the government at Washington, or counsel for the government at Washington, was there with all the papers. The judge would have a list and he would call a certain name. Then the man had to appear along with his two sponsors. They had to appear with him, and the United States' counsel would examine them, the man himself and the two sponsors. In some cases it was not a very long examination. The judge would also ask questions, and if he found everything satisfactory he would say, "All right. You will be naturalized." Then they would go off and sit down and another batch would come up, until he went through the whole lot of them. At the end of this he delivered a very, very fine

SPECIAL COMMITTEE

address, as fine a thing on the subject of citizenship, I think, as I have ever heard. This judge too was a pure German. His father and mother came from Germany, but he apparently was as loyal an American as you could find anywhere. He was a delightful man. I am a little bit ahead of myself here. After the last applicant was examined, then the clerk of the court gave them the oath all together. They stood up there in a body, he read the oath to them and they assented to it. Then the judge delivered this twenty-minute speech which I thought a most eloquent thing and most impressive. I remember Mr. MacNeill saying at the end of it, when we went out, "There is no doubt that these people realize what the meaning of this naturalization is." They were a very fine lot of people. I kept track of the nationalities and I think there were twenty-four different nations represented there, nearly every part of the world. I thought that it was a tremendously impressive ceremony. Those people realized what they were doing and what it meant.

The thing that occurs to me is that perhaps what you might do in the way of legislation is this. Pardon me, but I am a little ahead of my story again. Since that time an order in council—I do not think it is legislation—was issued requiring one year's notice of intention, following the United States' practice. They now have to file notice of intention within one year.

By Mr. Black (Yukon):

Q. In Canada?—A. Yes, in Canada. And furthermore, instead of taking the oath before the clerk of the court, they have to take it in the open court before the judge. But I think a little defect still is that they appear one at a time. Perhaps there might be one to-day and nothing for another three weeks. Then some other fellow would come in and so on. It does not amount to very much of a ceremony if there is only one person for the judge to address. So my idea or at least one idea that struck me was that what you might do is to require that there be certain naturalization terms or sessions so that they would all come in together—we will say a certain group would have to come in on a certain day with their sponsors—so that it would be quite an impressive gathering. That struck me as being one thing that might improve the situation. Speaking for myself I know that I was not very fond of orating from the bench, and some judges might find it distasteful to have to get off a speech. But there might be a set speech prepared by the judges, of course, to read at that time. But that appears to me to be one thing that would help tremendously. In Winnipeg I believe Judge Dysart is largely responsible for trying to improve that situation and he just arranged, I think, to have a number of the applicants come in on the same day. I think he asked different societies like the Canadian Club or the Daughters of the Empire or other patriotic institutions to come there and be represented and perhaps speak. They have done the same thing once or twice, I know, in Toronto where they had the mayor there and some of these organizations, just to impress on these foreigners the seriousness of becoming naturalized citizens.

I do not know that there is anything else that I can say to you, gentlemen.

By Mr. Black (Yukon):

Q. Were any of those applicants in the American courts refused when you were there?—A. Yes. I am glad you mentioned that. There was one case where a man came along with only one of his sponsors and he said that his other sponsor was ill and could not come. The judge said, "We cannot do anything about it. I will adjourn it until the next court. We want both of them here." They had to stand up before this whole group and be examined. They must appear. There is no getting out of it.

Q. That is done in British Columbia, and the sponsors are examined as well as the applicant.—A. I have never heard of any other court doing it. I do not think they do it down here. It was not done in Calgary.

The WITNESS: No. I know they did not have any in my day.

The CHAIRMAN: Nor in Montreal, neither.

By Hon. Mr. Stirling:

Q. Did you form any opinion as to whether or not all of those eighty really understood the language?—A. Oh, yes. They all did. They all spoke very fair English. We were both very much taken with the calibre of the people there. I may say the Poles were the largest group. The Poles were the largest and the Ukrainians were next. There were a tremendous number of Poles there. There must have been twenty or thirty, I should think, and there were a large number of Ukrainians. I remember the first one was a Greek. I remember that quite well. There were Norwegians, there was a Scotchman, there was a Canadian and so on. I kept tab on the nationalities and I counted twenty-four; but the Ukrainians and the Poles were the most numerous.

By Mr. Black (Yukon):

Q. I have heard it mentioned that they are examined on the constitution of the United States?—A. Oh, yes.

Q. And on the history of the United States?—A. Oh, yes. I had forgotten that. The judge will say, "What do you think about communism?" or, "What do you think about the constitution of the United States?" or "What do you think about fascism?" He does that just to see what their immediate response would be. So that most of them seem to know a little about those things. I mean, they had an idea of what the different things meant. In the same year I happened to be down there in Charleston, South Carolina, and in the papers there I was reading about schools that were going on for candidates for naturalization. They were actually attending schools to learn about the American constitution and about the other forms of government and so on. I think those schools are all through the United States, or similar schools, so that they have to plug up for their examinations, which I think would be a very good thing. I am glad you mentioned that.

By Mr. Hazen:

Q. You could not do that in rural districts very well in this country.—A. No. It would be difficult there. In the cities you could do it, but it would be hard to get it in the country. I remember reading, two or three nights there, about these schools that were going on for the benefit of candidates.

By the Chairman:

Q. Do you know if the American authorities have any success in getting the past history of these applicants during the two years?—A. Yes, they do.

Q. During the two years that elapse between the first papers and the certificate?—A. Yes. They communicate with their own country and get all the information they can about them there.

Q. But does it come to the point that they have to refuse a certain number? —A. Oh, yes, they do. I would say that out of that number on the day I was there, they must have turned down five or six on the ground that they had found out something. I remember one was convicted of some offence over in his own country before he came to the United States. They found that out.

Q. I think they have to declare that in their application. They have to declare that they have not been found guilty of any crime, if I remember rightly. —A. Yes, I think so. But if they do not inquire over in their own country, they perhaps would not know about it, and they would get their certificate.

By Hon. Mr. Stirling:

Q. That does not come to light until the court proceedings. That is a strange thing, is it not?—A. No. It would come to light before the matter came up in court. The fellow had a right to go to court to make his case. But the counsel from Washington would point this out to him, you see, and pretty well prove that he had been convicted of something or other in his own country. I think there must have been—well, not more than five or six rejected there. They were a very fine group of people. I was very much taken with them.

Q. Did attention to the United States' flag come to the fore very much? Was there anything in the nature of a ceremony?—A. No. I did not hear much about that.

By the Chairman:

Q. But they have to answer a question as to the history of the United States and the constitution?—A. Yes. They have to show some fair knowledge of it, although not scientific at all; but they must show that they realize what the underlying principles of the American government are and differentiate them from those of communism or fascism.

Q. I wonder if they would reject them to-day if they were found to be communists?—A. I do not know.

By Hon. Mr. Stirling:

Q. Does renunciation of their previous allegiance come into the performance at all?—A. Well, I cannot recollect anything on that point, Mr. Stirling.

Q. It is a notable thing in connection with oriental patriotism.—A. There were no orientals there, as far as I can remember. Do they naturalize Chinamen down there?

Q. I am referring to the question as to whether the naturalization of Japanese means anything, because we understand they do not renounce their previous affiliation.—A. Well, I do not remember anything on that point coming up. But they are certainly most careful. The last day we were in Washington there were at least eight representatives of the naturalization branch who met us and spent the whole morning with us, and each fellow had a sort of particular part of the matter under his control. One man would look after what was the man's career in the old country, for instance. I have just forgotten what the sections are, but there were eight of them, all experts in some particular respect. They go into it very, very seriously. It was amazing.

Senator PATERSON: Mr. Chairman, I might submit the recommendations, if you would care to hear them, submitted to us from the Winnipeg Canadian Club, if Judge Hyndman is through.

The WITNESS: Yes, sir. I have finished.

The CHAIRMAN: Very well, Senator Paterson.

Hon. Mr. STIRLING: May I ask one more question. Were there any coloured people among those eight?

The WITNESS: I do not think so. Not that I can remember.

Mr. Black (Yukon): Do they want to be naturalized?

Hon. Mr. STIRLING: They want to get into the West Indian islands on occasion.

The WITNESS: I do not remember any coloured people.

The CHAIRMAN: If there is an inquiry made about these applicants I suppose they have to give the correct name and the full identity?

The WITNESS: Oh, yes.

The CHAIRMAN: That is not always done. After they have lived here they sometimes take different names and make application under the name in which they are going around.

The WITNESS: They must find that out on inquiry.

Senator PATERSON: Mr. Chairman, these are the recommendations suggested by the Winnipeg Canadian Club and, I presume, worked out by Judge Dysart.

CANADIAN CLUB OF WINNIPEG

REPORT ON NATURALIZATION

Naturalization has been the subject of study and discussion by members of our executives over a period of many years. Hence the following comments and recommendations may be taken as the conclusions of a number of representative Canadians based on observations covering several years.

1. DECLARATION OF INTENTION

Recommendations

- (1) This should be posted for at least three months,
 - (a) Cities—in the court house
 - (b) Towns, villages, rural areas—in the post office given by the applicant as his address.
- (2) The declaration of intention should be advertised in three issues of a local paper within three months prior to examination of the applicant by the judge.

Comment—This would give notice to acquaintances who would be prompted to give encouragement in worthy cases and report to the R.C.M.P. in undeserving cases.

2. INSTRUCTION

Recommendations

- (a) That a booklet such as the one enclosed, prepared by Justice A. K. Dysart, be authorized for use as a text book, by applicants and a copy given each applicant at the time he makes declaration of intention.

Comment—This booklet could be supplied by Canadian Clubs if the government prefers not to issue it as a government publication.

- (b) That through co-operation of Canadian Clubs and the Judiciary, representative citizens in each locality be organized to give instruction in citizenship matters as covered in this text book.

Comment—In towns and villages, etc., boards of trade, legion branches, etc., would no doubt take this project in hand.

The study of the text book by the applicant would often be the means of informing all members of his family in the principles of Canadian citizenship.

A working knowledge of this grand country of ours, its history and institutions, the aims and aspirations of its people cannot help but create enthusiasm. Lacking such knowledge it seems obvious there can be no real enthusiasm for Canada.

3. TEST

Recommendations

- (a) After expiry of the year's period of declaration of intention the applicant would be examined in open court as to his fitness to become a Canadian citizen. This examination would include an oral test of his

knowledge and understanding of the principles of Canadian citizenship, based on the text book and sufficient to establish that he has a reasonable grasp of these matters.

Comment—Members of our club interested in naturalization have personal knowledge of many individuals having received naturalization who were completely uninformed on the duties and responsibilities of the citizenship status thus acquired, although they were probably aware of the right to vote and the right to an old age pension.

4. CEREMONY

Recommendations

- (a) That the granting of naturalization by the judge be in open court and that judges be requested to make this an impressive act befitting its importance.
- (b) That the Canadian Clubs co-operate with the judiciary in arranging some form of ceremony, open to the public, to mark the granting of naturalization. An elaborate ceremony is not our thought, but something simple and impressive, attended by representative citizens. Part of the ceremony should be a short recital of the duties and responsibilities of the new citizen, emphasizing these rather than the rights and privileges.
- (c) That these naturalization proceedings be held only a relatively few times each year, preferably close to some holiday such as Dominion Day. This would permit of grouping several applicants at one time and provide encouragement for interested organizations to make each ceremony a worthwhile event.

Judge Dysart has prepared quite a lengthy body of information on the Dominion of Canada and its institutions. I was remarking on one particular clause which interested me and might interest the House of Commons. I am referring to clause 43. I did not like the way he talked about the Senate, so I prepared an amendment. He did not say anything wrong about the Senate, but he did not say enough. I should like to read a short section of my amendment.

Mr. DUPUIS: Is this your amendment?

Senator PATERSON: Yes. First I shall read section 43 of this booklet, and then I shall read my amendment:—

43. The Senate consists of ninety-six members appointed for life by the government of Canada on a basis of provincial representation as follows:

Ontario 24; Quebec 24; The Maritime Provinces (New Brunswick, Nova Scotia and Prince Edward Island) 24; the western provinces (Alberta, British Columbia, Manitoba, and Saskatchewan) 24.

Women and men are equally eligible for appointment. A senator must be a British subject, of the full age of thirty years; must possess at least \$4,000 worth of real and personal property in the province which he or she represents and must reside in that province. Owing to appointment for life, senators need have no fear of politics. Their judgment is a steady influence on the deliberations of parliament, and in past years has been able to save the country many millions of dollars and prevented the country from entering into unwise acts.

Now, this is the amended version:—

In common with practically all self-governing countries, Canada's parliament consists of two chambers, the Senate and the House of Commons. In establishing the upper chamber as a nominative body the fathers of confederation placed upon the Senate the responsibility of safeguarding

minority interests and provincial rights. In other words: the Senate has the particular duty of guarding the constitution as it applies to all sections of Canada, and making certain that the relationship established by the British North America Act between the provinces and the dominion is respected. While not representative in an elective sense, the Senate is as much a chamber of the people as is the House of Commons. Its members are drawn from all ranks and classes of the people and have popular sympathies and popular interests at heart. The Senate has the same power as the House of Commons to originate public and private bills, except such as have to do with taxation or create a charge on the treasury. Commons bills may be, and frequently are, amended in the Senate, and no bill of any nature can become law until it has been passed by both houses of parliament. The ninety-six men and women comprising the Senate are appointed for life by the crown, on the advice of the government of the day, on the following basis of territorial representation: Ontario 24; Quebec 24; the maritime provinces 24; the western provinces 24. A senator must be a British subject of the full age of thirty years and must reside and possess a substantial stake in the province which he or she represents.

Mr. DUPUIS: I do not see any member of the C.C.F. here. I do not think they would swallow that.

Senator PATERSON: You do not think so? Well, I submit it. Now, this is the oath of allegiance:—

The Oath of Allegiance, which the applicant is required to take, is on a prescribed form which he must sign and swear in the presence of an authorized official. The form of oath is as follows:—

I, swear by Almighty God that I will be faithful and will bear true allegiance to His Majesty King George VI, his heirs and successors, according to law. So help me God.

British Allegiance is a term meaning the Loyalty, Devotion and Duty which every British subject owes, and is bound to pay, to the British Monarch as the representative of Law, Order and Authority in the land.

He has gone to considerable trouble to get this out, and it is quite exhaustive. If you have the time to go into this, we will submit it.

The CHAIRMAN: We will read it paragraph by paragraph.

Mr. HAZEN: What is the title of that book?

Senator PATERSON: "Naturalization in Canada, Procedure and Significance," by Judge Dysart, dated January, 1943.

Mr. DUPUIS: How many pages are included?

Senator PATERSON: Thirty-three pages.

Mr. DUPUIS: I think, Mr. Chairman, that each member of the committee should have a copy of this pamphlet.

The CHAIRMAN: Is it the desire of the committee to have this booklet published as an appendix to to-day's evidence?

Mr. DUPUIS: I would so move.

(Agreed.)

(Booklet "Naturalization in Canada—Procedure and Significance" appears as Appendix A of this volume.)

The CHAIRMAN: Have you anything else to add, Senator Paterson?

Senator PATERSON: That is all I have to say.

The CHAIRMAN: Has Mrs. Wheeler anything to add?

Senator PATERSON: Mrs. Wheeler is the National Secretary of the Canadian Clubs of Canada.

The CHAIRMAN: We will study your recommendation.

Mrs. WHEELER: We have a suggested outline of program that was put out by the Winnipeg Club.

Senator PATERSON: Mr. Paul MacFarlane of Montreal, our vice-president, has just arrived. He will be the next president of the national association. He will have something to say to the committee.

Mrs. WHEELER: Suggested outline of program for naturalization ceremonies:—

1. Place

The court house or public hall.

Where convenient and practicable, portraits of their Majesties, the Union Jack and other national emblems might be displayed.

2. Time

Where practicable the ceremony should be held on the opening day of the court sessions or assizes, but any convenient time may be set.

3. Officials

The ceremony should be presided over by the assize judge or some other judge.

Accompanying him on the bench or platform should be members of the dominion and provincial governments or legislatures, the mayor or reeve of the municipality, the presidents of the local Canadian Clubs and of other service clubs.

It might also be well to have the R.C.M.P. present and clergymen or leaders of the New Canadians.

4. Order of Ceremony.

- (a) National Anthem.
- (b) Opening address by the presiding judge on the legal aspects and significance of naturalization.
- (c) Brief address by one other public representative on the civil and patriotic aspects of citizenship.
- (d) Oath of Allegiance explained and if possible repeated aloud by those about to receive certificates.
- (e) Delivery of certificates by the clerk of the court.
- (f) Welcome to the new citizens, reception (hand-shaking).
- (g) "O Canada"

Mr. DUPUIS: I see by reading the last document that we make a distinction between the national anthem and O Canada, which is a drawback in my view. It is one of the drawbacks to our national soul, our national spirit, this divergence of opinion between one section of the country and another as to what constitutes our national anthem and our national flag. One section of the country considers the national anthem the national anthem of Great Britain while another section of the country considers the national anthem O Canada. I am just expressing a fervent hope that in the very near future we have the same national anthem and the same flag, which could be shown to our newcomers as the symbol of our great country.

Senator PATERSON: We have this printed document under the heading of the Department of the Secretary of State of Canada dated June 14, 1933. The committee might be interested in seeing this.

The CHAIRMAN: Has this been followed?

Judge HYNDMAN: I do not think it has.

The CHAIRMAN: This is a document addressed to the judges and clerks of the courts required to report in applications for naturalization and it is dated June 14, 1933 and signed by the Secretary of State at that time, the Hon. C. H. Cahan. Do you wish to have the clerk read this document?

Hon. Mr. STIRLING: Is that an instruction?

The CHAIRMAN: Yes, it is an instruction to judges and clerks of the courts. Perhaps we should have it read.

The CLERK: (Reads):—

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

OTTAWA, June 14, 1933.

To the Judges and Clerks of Courts required to report in applications for naturalization:

GENTLEMEN,—I have the honour to invite your attention to the present extraordinary number of applications for naturalization which are presented through the various courts of the dominion to the Department of the Secretary of State. This increase has arisen in many ways. Applicants for old age pensions must prove their British nationality. Many large employers of labour require their employees to be British subjects. During the present financial stringency many local authorities decided that relief should be given to persons of British nationality.

This large number of applications require at the present time greater carefulness and closer scrutiny than in ordinary times. There are undoubtedly communist, bolshevist and other illegal agitations being carried on in various parts of Canada, and many propagandists of these ideas apply for naturalization, in order to camouflage their propaganda, and also to preclude any proceedings for deportation. For these reasons it is necessary that most careful inquiries should be made respecting all applicants for naturalization, to ascertain if they have any communistic or bolshevist association or tendencies. The department makes such inquiries as are possible, but these departmental inquiries should be supplemented by local investigation, which can be more readily carried out through local authorities.

I desire, therefore, to impress upon all officials dealing with naturalization applications that at the present time unusual care is necessary to avoid the issue of naturalization certificates to persons who should not be naturalized.

The question of impressing upon naturalized persons the responsibilities which are cast upon them on becoming naturalized, and the duties which are imposed upon them as Canadian citizens has been considered by the Association of Canadian Clubs. At a recent general meeting held at Winnipeg, the following resolution was passed:—

Resolved: That this association of Canadian Clubs in conference assembled, records its opinion that the Canadian method of naturalizing aliens is lacking in ceremony, impressiveness and especially in instructiveness; and that these defects ought, in our national interests, to be speedily and effectively remedied.

That we approve of the action of our Winnipeg Club in the initiation of it of ceremonial distributions of naturalization certificates, and approve of those proceedings.

That we approve of their action in negotiating with the Department of State at Ottawa to give permanence to that method of distribution.

That this association adopts the policy in co-operation with the Department of State, of supplementing official action in naturalizations by arranging and sponsoring ceremonial proceedings upon the lines followed by the Winnipeg Club on May 23, 1932.

That for the purpose of putting such policy into effect, there be appointed a committee of five from this body with power to add to their number, clothed with authority to do all that is necessary or convenient towards putting said policy into effect throughout Canada.

That for the purpose of providing necessary expenses in their work, the committee be authorized to draw on the Honorary Treasurer from time to time throughout the first year in sums which shall, in the aggregate, not exceed five hundred dollars.

It should be pointed out that under the provisions of the Naturalization Act applications of the ordinary class must be made through the clerks of the courts having authority on this subject. The applications must be heard personally by a judge of the designated court. Moreover, the regulations laid down for the administration of the Naturalization Act provide that the naturalization certificates, when issued, should be distributed by the clerks of the various courts. The judges and the clerks of the courts in question are not officials of the Department of the Secretary, and the Secretary of State of Canada has no authority to direct any method of distribution other than that provided by the regulations. Nevertheless, there can be no doubt but that good results must accrue to the activity of the association of Canadian Clubs, and the Department of the Secretary of State will facilitate in every way possible the ceremonial suggested, or any other steps that may be taken to impress newly-naturalized aliens with the importance of the status conferred upon them, and of the civil responsibilities which they assume and the duties which they must fulfil to be good citizens of the Dominion of Canada.

The CHAIRMAN: Mr. MacFarlane, would you mind giving us any of your views on this question.

Mr. PAUL MACFARLANE: Mr. Chairman and gentlemen, I can only endorse what opinions have already been expressed by the various Canadian Clubs led by Mr. Justice Hyndman and Mr. Justice Dysart. It has been an active question in the association for several years.

Mrs. WHEELER: Twelve years.

Mr. MACFARLANE: Yes, for twelve years. I quite endorse the resolution presented and the memorandum which has been read concerning greater ceremony in the induction of new Canadians.

The CHAIRMAN: And more care?

Mr. MACFARLANE: Yes, more care in the selection.

The CHAIRMAN: Have you anything to add? If not, thank you very much.

Senator PATERSON: Mr. Chairman and gentlemen, I wish to thank you for this hearing.

The CHAIRMAN: The committee wishes to thank you for coming here. I do not know what the feeling of members of the committee is, but my feeling has always been that our ceremony is not serious enough and that the greatest care should be taken before we naturalize British subjects or Canadian citizens.

Senator PATERSON: We hold our convention of Canadian Clubs every two years, and we are holding it this year on the 5th and 6th of June at the Chateau Laurier in Ottawa. We believe we will prevent a lot of travelling if we hold it in Ottawa because Ottawa is central. We are taking the liberty of asking Canada's representative at Washington to address us. We invited him by telegram and we are pleased to say that he has accepted our invitation. The Honourable Leighton McCarthy will address the visiting delegates on citizenship, and we shall be able to report at the annual meeting that we met you and that you received us sympathetically in connection with our recommendations. We expect to have about sixty delegates at our convention from Halifax to

Vancouver. We are being entertained by the Ottawa Canadian Club on the night of the 5th of June at a banquet, and it will be on that occasion that the Honourable Leighton McCarthy will address us on citizenship.

The CHAIRMAN: Thank you very much.

Now, this completes our business for this morning unless some member of the committee has something he wishes to speak about.

Mr. HLYNKA: Before we adjourn, Mr. Chairman, may I ask whether we shall proceed with this subject at some future date, or is the subject closed as far as we are concerned?

The CHAIRMAN: We have not any communication from anybody else, but if any member feels that somebody should be called all he has to do is give the name and address to the clerk and that person will be called.

Mr. HLYNKA: I am interested in making certain recommendations respecting the naturalization of Canadians who have not acquired the English or the French language but who have lived in Canada for many years. There is a section of our population in western Canada who settled there prior to the last war when there were no schools in those districts. They live in blocks among themselves—

The CHAIRMAN: Who compose these blocks? Are they mostly people of Russian descent?

Mr. HLYNKA: There are a great number of Ukraines, Poles, Russians and perhaps some others. They have settled in certain blocks.

Mr. DUPUIS: Where would that be?

Mr. HLYNKA: Alberta, Saskatchewan and Manitoba.

Mr. DUPUIS: Mostly in the northern parts?

Mr. HLYNKA: Mostly in the northern parts. They have no opportunity whatever to learn the English language or learn the French language. These citizens have been exemplary citizens and yet when it comes to naturalization they are just out because they do not know the language.

The CHAIRMAN: Those that are born here are British subjects by the fact that they are born here.

Mr. HLYNKA: That is true. I am concerned with the fact that there are thousands of them—

The CHAIRMAN: What do you mean by "thousands"?

Mr. HLYNKA: There are thousands of these citizens who have settled in western Canada and who, for one reason or another, did not apply for their naturalization certificates. Others were approached by political campaigners in the past and were granted naturalization papers without having to appear before a judge. That happened across the western provinces. I am concerned with this section of the population who are to-day reaching the age of sixty or seventy and who are sometimes forced to apply for old age pensions. They have been wonderful citizens, but when they apply for a pension they are refused on the ground that they are not Canadian citizens.

That is one point I wish to stress. The other point is this: so many of them have sons in the armed forces of Canada. Let us take the example of one of these people who has a son in the armed forces who happens to be a married man and whose assigned pay goes to his wife and children but his mother, we will say, living here in Canada is dependent upon him. Now, when he has gone into the army his mother cannot apply for the old age pension and she cannot qualify for anything at all.

I feel that there should be a special clause dealing with these people, with this section of our citizens. They have been loyal citizens, the most exemplary

sort of citizens; but because they have not learned one of the two official languages through no fault of their own—there were no schools and there was no one to encourage them to learn the language—living in blocks as they do, that is the situation they find themselves in.

The CHAIRMAN: Do you mean to say that there are places where these people are living which have no schools—places in Alberta?

Mr. HLYNKA: There are schools now; but take the district from which I came, northeast of Edmonton, there was no school there until I was twelve years of age. I was able to learn the language because I went to school later on, and later I moved to Edmonton. But what about these old folks? I intend to bring in certain recommendations if the committee feel that this is a subject with which it can deal. I brought the matter up on the floor of the house on two occasions but the minister referred me to this committee, and I was told that it would be a good thing if the matter were brought up here and discussed thoroughly, if it is considered worthwhile to consider something along these lines.

The CHAIRMAN: You can bring in any recommendation you wish, and we will study it.

Mr. HLYNKA: That is fine.

The CHAIRMAN: We may have to make certain exceptions for people whose sons are in the armed forces, or people in like circumstances; but it is a well established rule that for one to be naturalized he has to speak one of the two languages.

Mr. HLYNKA: I am bringing this matter up because of that rule.

Mr. HAZEN: I was down at the naturalization office and I talked with Mr. Coderre, and he expressed some opinion to me about this year's notice that has to be given now under the order in council. I do not recall just what he said, but I got the impression he was not quite satisfied with the way the matter was working out. I think we might ask him if he would care to come and give evidence before this committee if he has anything to say about that order in council. I do not think there is any use bringing him here if he has nothing to say. Somebody might see him and ask him if he would like to express his views on this matter.

The CHAIRMAN: It might be a good thing to have Mr. Hlynka prepare a recommendation and bring it here at our next sitting and we could have Mr. Coderre, who is our expert on this matter, come here and listen to Mr. Hlynka's recommendation, and we could then ask Mr. Coderre questions concerning it. However, it would be a great departure from the fixed rule if we naturalized somebody who did not understand or speak to a certain extent one of the two languages.

Mr. DUPUIS: Mr. Green was talking to me about that subject and he gave me a suggestion—he is not a member of the committee.

The CHAIRMAN: We will hear Mr. Green if he has anything to say.

Mr. DUPUIS: Mr. Green suggested that the best way to overcome that difficulty would be to have an amendment to the Old Age Pension Act. I think what is in the mind of our friend is the old age pension.

The CHAIRMAN: The old age pension and the army pension.

Mr. DUPUIS: Yes, and the pension for national health. Mr. Chairman, I suppose most of us have met with very pitiful cases concerning people who went to the United States during the last twenty years and have come back. According to the Old Age Pension Act they are not entitled to the old age pension

because of their residence in the United States within the last twenty years. This is another matter that would come up under old age pensions along with those who are not able to speak either English or French.

Mr HAZEN: Perhaps the reason they came was to get the old age pension.

Mr DUPUIS: No, a man might go to the United States and come back.

The CHAIRMAN: I do not know that that matter should come before this committee. Our term of reference does not give us the right to go into such matters. However, we will hear Mr. Hlynka at our next sitting, and we will call Mr. Coderre for next Thursday. We will ask Mr. Hlynka to be ready with his recommendation, and we will study the suggestion by Mr. Green.

Mr. HLYNKA: I will consider that also.

The committee adjourned to meet Thursday, May 18, at 11 o'clock.

APPENDIX

NATURALIZATION IN CANADA PROCEDURE AND SIGNIFICANCE

FOREWORD

This booklet was prepared a few years ago but has been revised to include the 1942-3 Procedural Amendments to our Naturalization Act.

The purpose of this Booklet is to outline briefly some of the things which ought to be known and appreciated by applicants for British Citizenship in Canada. The hope is, that if distributed to applicants for Naturalization, this Booklet will be followed up by voluntary systematic explanation and exposition at the hands of sympathetic and patriotic citizens organized for that purpose. If this be well and faithfully done, much benefit is bound to accrue to our newly naturalized citizens and to others associated with them, as well as to Canada as a whole.

A. K. DYSART.

WINNIPEG, MAN.

January, 1943.

CONTENTS

		Sections	
Chapter	I	Nationality	1- 5
Chapter	II	Nationality in Canada	6-11
Chapter	III	Naturalization in Canada	12-27
Chapter	IV	Historical Sketch of Canada	28-34
Chapter	V	How Canada is Governed	35-54
Chapter	VI	Law Enforcement	55-60
Chapter	VII	Miscellaneous	61-71

I. NATIONALITY

1. *Nationality Means* membership in a nation. The civilized people in the world are grouped in large aggregations called *nations*. Each nation occupies some clearly defined territory as its *Country* or *Homeland*, over which it has exclusive authority or control. Most persons residing within the territory of a nation are members of that nation, and are called *Citizens* or *Subjects*. When abroad, they are sometimes referred to as its *Nationals*.

2. *Nationality is a Status*. Our civilization is established upon the basis that every nation shall guard and protect its own members, and, in return therefor, will receive the support and service of its members. Without these mutual duties and obligations, no individual could have stable personal security, and no nation could long exist. Nationality is, therefore, a necessary condition of life, or state of being, in which every person lives; and is called a *Status*.

3. *Nationality is Imposed or Acquired.* It is imposed on every person at the moment of birth by the land in which he is born. This is done by force of a law which is common to all nations. So long as the person remains in the land of his birth, his nationality remains with him. But a different or additional nationality may be acquired by him in another land, if he migrates to such a land and there qualifies for citizenship.

4. *Nationality is to be distinguished* from such basic facts as race, language and religion. People who are of the same racial origin, or who speak the same language, or profess the same religion, are to be found with different nationalities; and conversely, the people of one nationality may be found differing in race, language and religion.

5. *Exceptions.* The foregoing statements are expressed in condensed form, and consequently take no note of exception to the rule. For instance, the acquisition of a new nationality will terminate the former nationality of the nationals of some countries, but not of all countries. In some countries original nationality may be terminated by adopting a *New Nationality*; by *Naturalization*. In other countries it is otherwise. The consequence is that some persons may be citizens of one country by birth, and of another by naturalization. Since January 1, 1943, aliens in Canada may be naturalized only when they renounce their previous nationality.

II. NATIONALITY IN CANADA

6. *Canada is a Nation;* it comprises territories which were formerly Crown Colonies of Great Britain, but which, in 1867, became by federation the Dominion of Canada, and has now developed to an independent, self-governing Dominion, having the status of a nation. Thus Canada can bestow its own Canadian Nationality upon its citizens; but, because it is an important member of the British Empire, it chooses to designate its subjects as British Subjects.

7. *The British Empire,* scattered over every quarter of the globe, covers one-fourth of the earth's land surface, and includes one-fifth of the world's entire population. It is the largest and most liberty-loving Empire the world has ever known. In a strict sense, however, it is not an "Empire". Its heart and core is Great Britain, consisting of England, Scotland and Wales. For more than four centuries England, or Great Britain, has been establishing in different parts of the world settlements or colonies which, in their earlier stages, were called *Crown Colonies* because they were governed directly by the Crown—that is, by the Home Government. In the course of time, several of these Colonies developed into self-governing *Dominions* and became known as *British Dominions beyond the Seas*. In recent years these Dominions have advanced to *Nationhood*, and, in conjunction with Great Britain, now constitute the *British Commonwealth of Nations*. Besides the United Kingdom of Great Britain, and Northern Ireland, they include the Irish Free State, Canada, Australia, New Zealand, and South Africa. Other large Colonies have not yet become self-governing, and so remain for the time being as Crown Colonies. The chief of these is India, with all its Territories and States. Numerous small Colonies still remain. Besides these, there are many Dependencies and Protectorates. The Empire therefore comprises:—

1. The British Commonwealth of Nations.
2. Great Territories and States of India.
3. Numerous small Colonies; and
4. Many Dependencies and Protectorates.

8. British Subjects are citizens of the British Empire. Although they include people of almost every race, language and religion, and are scattered throughout many lands, they are politically members of one large family of peoples of which the British are the chief, and of which the British Monarch is the head. All citizens of the vast Empire, being *subject* to the *British Monarch* are therefore called *British Subjects*. (The term "subjeets" designates people who live under a monarchial form of government, as distinguished from "citizens," who live under a republican government. The terms are often used interchangeably).

9. British Subjects in Canada are commonly called *Canadians*. They are composed of two general classes:—

- (a) *Natural Born* British Subjects—that is, those who were born in Canada or in some other British Dominion or territory who have made their homes in Canada; and who have not terminated their British Nationality; and
- (b) *Naturalized* British Subjects—that is those who having come into Canada as aliens have here become British Subjects by Naturalization, and who have retained that nationality.

10. Aliens in Canada are those persons residing here permanently or temporarily, who are not British Subjects. Most of them have come to Canada as *Immigrants*, and are often called *Foreigners*.

11. Empire Citizenship. Every British Subject is a citizen of the British Empire in the sense that he is the subject of the Sovereign who reigns over the Empire. This does not mean that a British Subject in any particular part of the Empire has the rights of citizenship in all parts, nor even in *other* parts of the Empire. Each self-governing Dominion determines for itself who, even among British subjects, may settle within its confines and become its citizens.

III. NATURALIZATION IN CANADA

12. Naturalization is the legal process by which a person takes on a new nationality. In Canada it means the process of becoming a British Subject, in accordance with our Naturalization Act, 1914, as amended.

13. The Naturalization Act, 1914, is to be found in the Revised Statutes of Canada, 1927, chapter 138. It defines who in Canada are British Subjects by birth, and who may become British Subjects by Naturalization. It lays down the qualifications for Naturalization, the procedure to be followed, and the effect, scope, and conditions of a Certificate of Naturalization. The Act remained practically unchanged till 1942, when it was amended as regards procedure by new Regulations made under the authority of the War Measures Act, approved by two Orders in Council (P.C. 5842 and P.C. 8499).

14. Who May Be Naturalized

- (a) Any alien who has been residing in Canada for the required length of time, and who has the other prescribed qualifications, may become Naturalized under the Naturalization Act as amended.
- (b) Any alien who has been resident in Canada for a period not less than five years may, during the year 1943 only, apply for Naturalization under the Naturalization Act as it stood before it was amended.
- (c) Any alien serving outside Canada with the Naval, Military, or Air Force of Canada, who satisfies the Secretary of State, by filing such documents as may be prescribed, that he is a fit and proper person to be naturalized in Canada as a British Subject, may be granted a Certificate of Naturalization.

15. Who May Not Be Naturalized

- (a) Any alien who, after July 9, 1943, has applied for exemption from military training, service or duty, on the ground of his being a citizen or subject of another country, shall be barred from applying for or receiving a Certificate of Naturalization.
- (b) Every other alien in Canada, who has not the requisite qualifications of residence, character, knowledge and fitness, may be refused a Certificate of Naturalization until such time, at least, as he becomes qualified.

16. The Qualifications for Naturalization. The applicant has to prove—

- (a) *Residence*, that he has resided in Canada for at least one year immediately preceding his application, and that he previously resided in Canada or in some other part of the British Empire for at least four years within the last eight years immediately preceding his application. There are some variations as to "residence" which need not be mentioned here.
- (b) *Good Character*, that he has no criminal record, and no apparent disposition towards crime, and no associations that might interfere with his being a good law-abiding citizen; and
- (c) *Knowledge of English or French*, that he can carry on an intelligent conversation on ordinary topics in at least one of these two languages.

17. Procedure for Becoming Naturalized:

- (a) Under the Naturalization Act, the applicant is required to go to the Clerk of a Court in the Judicial District in which he resides, and there make, on forms obtainable, an *Application for Naturalization*, and furnish a *Statement of Facts* concerning himself. The application is to be posted for three months for public notice. The applicant is later required, upon notice, to appear before a judge to prove his qualifications. If he is found to be qualified, and a fit and proper person to be naturalized, a Certificate of Naturalization may be granted to him by the Secretary of State, and delivered to him through the Clerk of the Court upon his taking and subscribing the *Oath of Allegiance*.

N.B. This procedure is now available only for the year 1943, and only to those aliens who have been resident in Canada for a period of at least five years.

- (b) Under the New Regulations the applicant must appear in the Office of the Clerk of the Court in the judicial district in which he resides, and there make under oath before the clerk a signed *Declaration of Intention* to become a British subject. This declaration shall set forth (1) that the applicant intends in good faith to become a British subject, and to reside permanently in Canada; (2), that before being naturalized he will renounce forever his then nationality and all allegiance and fidelity to any foreign ruler of whom he may be a subject, or to any foreign state of which he may be a citizen. Full particulars concerning the applicant, his history and family, are also to be attached.

When the declaration reaches the Secretary of State, a Certificate of Receipt will be mailed to the applicant. After one year following the filing of the Declaration of Intention the applicant may apply to prove his qualifications under the old practice, and in due time may be notified to appear for his Certificate of Naturalization, which will be delivered to him only after he has taken and subscribed the *Oath of Allegiance* before a judge or other designated person sitting in open court.

18. *The Oath of Allegiance*, which the applicant is required to take, is on a prescribed form which he must sign and swear in the presence of an authorized official. The form of oath is as follows:—

I, swear by Almighty God that *I will be faithful* and *will bear true allegiance* to His Majesty King George VI, his heirs and successors, according to law. So help me God.

19. *British Allegiance* is a term meaning loyalty, devotion and duty which every British subject owes, and is bound to pay, to the British monarch as the representative of law, order and authority in the land.

20. *The Certificate of Naturalization* is granted by the Secretary of State of Canada, and is evidence of the applicant's new nationality. It is a document of the greatest importance to the holder, and should be carefully preserved. A certificate may in any case be granted or refused at the discretion of the Secretary of State.

21. *The Effects of the Certificate on the Grantee* include the following:—

- (a) it confers on him "all the rights, powers and privileges" of a natural-born British Subject;
- (b) it imposes on him "all the obligations, duties and liabilities" of a natural-born British Subject;
- (c) it creates in him "the status" of a natural born British Subject;
- (d) it terminates for him his previous nationality; and
- (e) it confers, when facts warrant, upon his wife and minor children, certain rights and privileges.

22. *The Grant of the Certificate is Conditional*. The new citizen must observe the conditions imposed upon him by law and authority, if he is to continue his citizenship; otherwise his Certificate may be *Revoked*.

23. *The Rights, Powers and Privileges* conferred by Naturalization are, in part,—

- (a) to engage in any legitimate work, labour, occupation, trade, calling, business or profession. Aliens may engage in only some of these.
- (b) to take part in all civil and political life and activities; to vote at elections; and to be candidates at elections for municipal, legislative and parliamentary assemblies. Aliens enjoy none of these rights.
- (c) to hold office—political, governmental and judicial, under the Crown. Aliens enjoy none of these privileges.

These rights, powers and privileges are the greatest benefits and favors that any nation can bestow upon its citizens, and they should be respected and cherished.

24. *The Obligations, Duties and Liabilities* imposed by Naturalization are, in part,—

- (a) to observe and obey all the laws of the land. Aliens are almost equally bound in this respect.
- (b) to take part in the responsibility of governing the community and country. Aliens have very little duty in this respect.
- (c) to uphold the authority of law and of all legally constituted bodies, and to serve our country in time of need. Aliens have some responsibility in this respect.

These obligations, duties and liabilities are heavy and serious, and may call for service and sacrifice. They should, therefore, be understood, so that they may be well and faithfully performed, especially in times of our country's need.

25. Effect of the Certificate on Grantee's Family.—

- (a) *On Wife:* ordinarily, but not necessarily, a wife is assumed to have the same nationality as her husband. In Canada a woman does not, merely by marriage, lose her own nationality, nor take on that of her husband; her nationality cannot effectively be changed without her own act or consent. A naturalization certificate granted to her husband, however, confers on her the *privilege* of becoming a British Subject by the very simple process of going before the Clerk of the Court through which her husband's certificate was issued, within six months after the date of its issue, and there making a *Declaration of Desire* to become a British Subject. Thereupon she may obtain a *Declaration of British Nationality* from the Secretary of State, and so become a British Subject.
- (b) *On Minor Children:* generally speaking all children take their nationality from their father, but—
 - (1) *every child born in Canada*, even of an alien father, is a natural-born British Subject in Canada, and so needs no naturalization;
 - (2) *every child born outside Canada* or other British Dominion, of an alien father, is an alien, and in order to become a British Subject in Canada must be naturalized here. If the child is eighteen years of age or over, it can be naturalized only as any other adult alien; but if it is under eighteen years of age, it may be included in its father's application for naturalization and become naturalized along with him. But such a minor so naturalized may, after attaining the age of 21 years, *Renounce* its British Nationality and thereby revert to its former nationality. Renunciation is effected by going before a Clerk of the Court and there making the subscribed *Declaration of Renunciation*.

26. Revocation of Certificate of Naturalization: although the grant of a Certificate of Naturalization is said to place the Grantee on a footing of equality with natural-born British Subjects in Canada, that equality exists only so long as the Certificate itself remains in force. It is a condition of every Certificate of Naturalization, past, present or future, that it may be revoked. Revocation will be made only on any one or more of the following grounds: namely, that the Grantee of the Certificate,

- (a) *has traded with the enemy*; that is, has, during any war in which our Sovereign is engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state, or has been engaged in or associated with, any business which to his knowledge is carried on in such a manner as to assist the enemy in such war;
- (b) *has remained, in compliance* to the law of any State at war with our Sovereign; a citizen of that State;
- (c) *has been guilty of fraud* in obtaining the Certificate, that is, knowingly made any false statement or concealed any material fact;
- (d) *has been disloyal*, that is, has shown himself by act or speech to be disaffected or disloyal to our Sovereign;
- (e) *has committed serious crime*, that is, has, within five years after the date of the Certificate, been sentenced by any Court in the Empire to a term of imprisonment of twelve months or more, or to a fine of \$500.00 or more;
- (f) *was not of good character* at the date of the Certificate;
- (g) *has resided outside the Empire*, after the date of the Certificate, for seven years or more, except when in British Service; and
- (h) *in any case* where his continuance as a British Subject in Canada is not conducive to the public good.

27. The Effect of Revocation of the Certificate is to cancel and terminate the holder's British Nationality, and to revert him to his former condition of an alien.

IV. HISTORICAL SKETCH OF CANADA

28. *Early Exploration.* Following the discovery of America by Columbus in 1492, the French and English nations respectively sponsored voyages of exploration of the new-found territory. Each nation claimed ownership of all the land seen or touched by its respective explorers. In many instances claims overlapped. The French exploration began with Cartier's three voyages in 1534-41, when the Gulf and River St. Lawrence and adjoining regions were discovered and named. After a long interval the French renewed exploration and penetrated through the Great Lakes region as far west as the prairies. The English exploration, in the main, began later, and so far as it affects Canada, was in the vast regions west and northwest of the Great Lakes, and extended to the Pacific slope.

29. *Early Settlement.* The earliest permanent settlements in Canada were —Port Royal, established by the French in Nova Scotia in 1605; Quebec, in 1608; and Montreal in 1642. The English did not establish any settlements in Canada until long after that period. Both nations set up trading posts for Trade with the Indians over various portions of Canada, and although many of these have survived until this day, they were not, in the beginning, considered as settlements.

30. *Rivalries and War.* These two hardy rivals for commerce and Empire came into frequent conflict at many points, and intermittent warfare may be said to have characterized the whole of this period. Each nation sought for the trade and support of the different tribes of original inhabitants, whose cunning cruelty when aroused was a frequent menace. Eventually in 1759, the English, under General Wolfe, brought the long rivalry to an end by capturing Quebec, the last of the French strongholds, and thus bringing under British rule the whole country that now constitutes Canada.

31. *Peace at Last.* A Treaty of Peace was signed in 1763, by which the French relinquished all their claim to this territory and acknowledged the British dominion. One feature of that settlement added later deserves mention. The French inhabitants of Quebec and vicinity were granted in 1774 the enjoyment forever of their language, religion and customs. This concession undoubtedly won their support to the British connection, and helped materially to save Canada to the British on at least two subsequent occasions, in 1776 and 1812. In 1776, the original British colonies in America, lying to the south of Canada, revolted and secured their independence, and later became the United States of America. In that war they sought to include Canada. However, with the strong aid of the French inhabitants, our country resisted the advances of the revolting colonies and remained true to the British Crown. One result of the revolution was that several hundred thousand colonists left the revolting colonies and settled in Canada, where they proved a vigorous and stimulating influence. In 1812, the United States of America was again at war with Britain and again sought to conquer, but, again with the aid of the French, Canada successfully resisted.

32. *Political Growth.* Although the economic growth of the young colonies was slow, the political growth was vigorous. Old French Acadia was soon divided into the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, with a separate government for each. The original territory of Quebec, after it had been pared down by cession to the United States in 1783, became divided in 1791 into Lower Canada and Upper Canada. All these colonies early began struggling for *responsible government*, which they eventually achieved in the

years around 1850. Upper and Lower Canada had united in 1841, but the union was not happy. After years of troublesome times, these two colonies proposed to unite with the three Maritime Provinces in a scheme of Confederation. This proposal culminated in Confederation, effective July 1, 1867, of four Provinces, Upper Canada (now Ontario), Lower Canada (now Quebec), Nova Scotia and New Brunswick.

33. *Development Since Confederation.* Since 1867, other Provinces have entered the Confederation. Some of these had already been established as Colonies; others were newly created out of the vast Prairies of the West. In 1870, the Province of Manitoba was carved out of the Prairies and added to the Union. At first a small Province, it has several times had its boundaries enlarged. In 1871, British Columbia, an established Colony, came into the Confederation; in 1873, Prince Edward Island, also an established Colony, entered the Union. In 1905, Alberta and Saskatchewan were created Provinces and made members of the union. In 1911, great additions were made to the territory of Quebec, Ontario and Manitoba. The territory north of the four Western Provinces is called the North-West Territory and is still administered by the Dominion. Throughout this whole period there was substantial growth of settlement, industry and trade, all accompanied by corresponding growth in population.

34. *Canadian Population.* The original inhabitants—Indians—have been deprived of their patrimony, but only on terms satisfactory to themselves. They are now wards of the government, and are well and kindly treated. The original French colonists have greatly increased in numbers, and are established mainly in the Province of Quebec. They constitute about 30 per cent of the whole population of the Dominion. The British settlers increased by natural growth and immigration. They comprise about 50 per cent of the entire population. The remaining 20 per cent is composed of people of many national origins, chiefly from Central Europe.

V. HOW CANADA IS GOVERNED

35. *General Statement.* The Canadian people govern themselves. They do so by-selecting from among their citizens certain persons and investing them with power and authority to govern and so manage public affairs in accordance with the laws of the land. These representatives are answerable for all their public actions to the people who elect them. In this way Canadians have representative, responsible government—a form of government which is regarded as essential to a liberty-loving nation.

36. *The Laws of the Land.* These are many and varied. Some of these are found in the decisions of our courts, based on custom and usage, and are known as *Case Law*. Others are enacted by the parliament of Canada and by legislatures of the provinces—and are *Statute Law*. Still others are enacted by the imperial parliament, at the request of Canada. These deal only with our political structure and form our *Fundamental Law*—our *Constitution*.

37. The Constitution of Canada is modelled upon that of Great Britain. It is partly *written* and partly *unwritten*. The written part is embodied in the British North America Act (1867) and the few amendments thereto. The unwritten part is to be found in certain customs and usages long established in Great Britain and adopted by Canada.

38. *The British North America Act* (abbreviated B.N.A. Act), contains the terms upon which the original four provinces entered Confederation, and provided for the entry of other provinces. It sets forth the scheme of government established both for the Dominion and for the several provinces. The Act

sets up a central authority or government for the whole dominion, to deal with matters of dominion-wide concern; and an authority or government for each province to deal with purely provincial matters. Only a few amendments have been made to this Act, and these only at the request of Canada.

39. *The Form of Government in Canada is Constitutional Monarchy;* it is a monarchy limited and controlled by a constitution. It preserves many outward marks and characteristics of traditional monarchy, but in essence and effect it is a democracy; it provides government of the people, for the people, and by the people.

40. *Parliament.* This is our chief instrument of government. It was created by the B.N.A. Act, and consists of three branches—(1) The King; (2) the Senate; (3) the House of Commons.

41. *The King.* The head of our whole governmental system is the *Monarch*, sometimes called the *Sovereign*, who occupies the *Throne* by hereditary right, and *reigns* over all his subjects, but does not govern them. The throne may be occupied by either a king or a queen. The present occupant is a king, whose official title is "His Majesty King George VI, by the Grace of God, of the Kingdom of Great Britain and Northern Ireland and of British Dominions Beyond the Seas, King, Defender of the Faith, Emperor of India." In his name, all governmental and executive authority is exercised throughout his dominions. Inasmuch as His Majesty resides in Great Britain, he is personally represented in Canada, under our constitution, by a *Governor General*.

42. *The Governor General* is appointed by the king on the advice of his council, who in turn, in recent years, have followed the advice of the Canadian government. His term of office is five years, as provided for in our constitution. He fulfils in Canada all the functions of the king, and is officially referred to as "His Excellency".

43. *The Senate* consists of 96 members appointed for life by the government of Canada on a basis of Provincial representation as follows:—

Ontario, 24; Quebec, 24; the Maritime Provinces (New Brunswick, Nova Scotia and Prince Edward Island), 24; the Western Provinces (Alberta, British Columbia, Manitoba and Saskatchewan), 24.

Women and men are equally eligible for appointment. A Senator must be a British subject, of the full age of 30 years; must possess at least \$4,000 worth of real and personal property in the province in which he or she represents and must reside in that province. Owing to appointment for life, Senators need have no fear of politics. Their judgment is a steady influence on the deliberations of parliament, and in past years has been able to save the country many millions of dollars and prevented the country from entering into unwise acts.

44. *The House of Commons* consists of members elected for a term not exceeding five years by the people in the several electoral districts or constituencies into which the dominion is divided. The number is at present 245, and varies with population, as shown by census. As wide latitude of choice is allowed, members generally reflect every substantial phase of common public opinion, and so express the will of the people.

45. *The Work of Parliament* is to direct and control all public business and affairs. In this it lays down "policies" to be followed, authorizes the imposition of taxes and the expenditure of money. It legislates directly by passing Acts of Parliament called Statutes. It administers the affairs of the Dominion indirectly, through a *Civil Service*, acting under the general supervision of a *Cabinet*.

46. *The Cabinet* is the name generally applied to a committee called the *Privy Council*. This Committee or Cabinet is chosen by the leader of the largest political party in the House of Commons, and is subject to the approval of the House. Each member is called a *Minister* of the Crown, and generally is placed in charge of some *Department* of the Government (his Portfolio). Being responsible for the administrative or executive work of the Government, the Cabinet is often referred to as *The Administration* or *The Executive*. The chief person—the leader of the Council—is the *Prime Minister*.

47. *The Prime Minister*—also called the *First Minister* or the *Premier*—is the *leader* of the *Cabinet* and of the *Political Party* which dominates the House of Commons. He is the chief official adviser to the Governor-General, and is generally the spokesman for the country in all its foreign and domestic affairs.

48. *Political Parties*. Our system of popular government has been conducted on the *Party System*—that is, the people range themselves into political parties, and the party which, by the number of representatives it succeeds in electing to Parliament dominates the House of Commons, is the party which controls the Government.

49. *The Majority Must Prevail*. This is the keynote of our system. The majority decides and the minority must acquiesce. This is so in all departments of our public life. At the same time, the right of minorities cannot be ignored nor trampled on with impunity—safeguards are provided against such abuses. There is, therefore, no excuse for a minority resorting to force or other illegal means of attaining a political end; free speech, free assembly and secret ballots are their weapons of offence and defence—their only weapons, but effective weapons.

50. *Provincial Governments*. Each of the nine Provinces of Canada has a Constitution and Government of its own, modelled on the same general lines as those of the Dominion. In each Province there is (a), a Lieutenant-Governor, who is a representative of the King in Provincial matters, and who functions much as the Governor-General does in Dominion matters; (b), a *Legislative Assembly*, consisting of a number of persons elected from Provincial Constituencies or Ridings for a period not exceeding five years, with general legislative powers in Provincial matters; and (c) a *Legislative Council*, on the model of the Senate, consisting of members appointed for life. This Council is found only in the Province of Quebec, but formerly other Provinces also had it. In every Province there is also a Provincial Council or *Cabinet*, chosen from the elected members, with a Provincial Prime Minister and other Ministers.

51. *Sessions of Legislative Bodies*. The Dominion Parliament holds each year at least one session of several months duration for the transaction of legislative and other business. The Governor-General opens each session with a “*Speech from the Throne*”, and, when the Session is ended, he “*prorogues*” Parliament. Each Provincial Legislature also holds an annual session, of considerably shorter duration, for like purposes, opened and closed by its Lieutenant-Governor. Municipal Councils—in Cities, Towns, Villages and Rural Municipalities—also hold sessions, much more brief and frequent.

52. *Election to Legislative Bodies*. Upon the dissolution of Parliament or of the Provincial Legislature, a new set of members is chosen by the people at a *General Election*. Vacancies occurring between General Elections are filled by *by-elections*. Persons who stand for election must first be *nominated* as *candidates*. The people entitled to elect are the *electors* or *voters*, and their names are generally placed on the *Voters’ List*. The places where the votes

are cast are the *Polls*, or *Polling Booths*. The candidate receiving the highest number of votes is duly declared *elected*, and becomes the *sitting member*. Public meetings, and private canvassing by candidates and their friends usually precede an election. Municipal elections are held at regular intervals—generally yearly—on dates fixed by law, and are conducted on the same principles.

53. Duties and Privileges of Electors. The electors, in the last analysis, control the governments through their elected representatives, and, therefore, should choose their representatives wisely and well. They should for that purpose inform themselves, through the newspapers, the radio, by public meeting and discussion, on public affairs of all kinds, and use their best judgment in exercising their Franchise of voting. Any elector, or group of electors, has the right to use all legitimate influence, by *argument* or *persuasion*, but *never by force*, to bring about a change of government. It is of the highest importance that electors cast their votes according to the best of their honest and informed opinion.

54. Public Opinion exercises great influence under our system of government—because the continuance of any government in power depends on the good-will of the people. Therefore, governments are very sensitive to public opinion. The public should accordingly give voice to their opinions through the press, through their elected representatives, by petitions and advocacy. Only by devoting study and honest judgment to public opinion can the people hope to have the best available government. It rests with the people themselves, and the people should not fail.

VI. LAW ENFORCEMENT

55. General Statement. We turn now from representative government to consider briefly another branch of authority—that which governs the public and private actions of citizens. This branch has to do, not with the making of laws, but with the interpretation and enforcement of laws. A sound and efficient judicial system is one of the greatest instruments of good government, provided always that none but fair and just laws are enacted.

56. The Law of the Land. Apart from Constitutional Law and Statute Law, there are other classes of law—Common Law in all the provinces apart from Quebec; Civil Law for Quebec. Statute Law, as has been stated, is created by legislation; Common Law, in both civil and criminal matters, as declared by courts, is based on recognized customs and usages of the British people. The Civil Law of Quebec is based on the old Roman code. These laws governing the conduct of citizens are too numerous and complicated to be summarized here, but they are binding upon all persons at all times. Ignorance of the law never excuses a breach of the law.

57. The Enforcement of Law is in the hands of law officers and the courts, which are organized in each province under the headship of the provincial attorney-general. The duty of enforcing law and order is placed by the B.N.A. Act upon the provinces—each being responsible for its own territory. All judges hold office by appointment and during good behaviour; their independence is thus guaranteed.

58. The Law Courts. Beginning with the lowest and following them to the highest, the courts of Canada may be classified as follows:—

(a) *Police Courts* and *Municipal Courts*, which have jurisdiction in all small matters of a civil and criminal nature, and in preliminary enquiries into criminal cases.

- (b) *County Courts, Divisional Courts and Sessional Courts*, which have jurisdiction to try civil and criminal cases of importance, though not of the highest importance.
- (c) *Superior Courts*. These are called by different names in different provinces, such as *King's Bench, Superior Courts, Trial Division of Provincial Supreme Court*. They have jurisdiction in the widest possible sense in nearly all matters, both civil and criminal. *Note*. —*Juries*, in many cases, particularly in criminal cases, are called in to aid courts in determining questions of fact, especially at Assizes. They are selected from among the ratepayers of their community, must be British subjects, between the ages of 21 and 60, and should be intelligent and scrupulously honest. It is one of the duties and privileges of British subjects to sit on juries in the administration of justice.
- (d) *Exchequer Courts and Admiralty Courts*. These are limited in number and deal with matters in which Canada has a direct interest.
- (e) *Appeal Courts* are established in each province, sometimes called *Appeal Courts or Appellate Divisions*, to hear and determine appeals from decisions of the lower courts of their province.
- (f) *Supreme Court of Canada*, established at the city of Ottawa, for the hearing and determining appeals from the provincial courts, and from the Exchequer and Admiralty courts.
- (g) *Judicial Committee of the Privy Council*. This is our highest Court of Appeal. It is located in London, England, and deals with appeals in certain cases of unusual importance and difficulty from Canada, as well as from other British Dominions.

59. The Law Officers comprise,—

- (a) Police Officers under Municipal, Provincial and Dominion authority. These are to protect the public from active wrong doers, to discover and apprehend offenders, and to bring them within reach of the law. The Dominion Police, known as the Royal Canadian Mounted Police (R.C.M.P.) serves throughout Canada in all Dominion matters, and, by arrangement, in some Provincial matters also.
- (b) *Crown Prosecutors*. These are lawyers appointed by the Provincial Government in their several Judicial Districts, to prosecute persons charged with crime; and
- (c) *Solicitors, Advocates, Attorneys and Barristers*. The members of these groups are professional men skilled in the law, both civil and criminal, and act when retained to protect the interests, or enforce the rights, of their clients.

60. Judgments of Courts are Enforced by Sheriffs and Bailiffs. In civil cases judgments are generally for the payment of a sum of money; in criminal matters the offenders may be sentenced to be punished by fine or imprisonment. In certain brutal or shocking cases an offender may also be *whipped*. Only one crime—murder—is in practice punished by *death*. Imprisonment insures confinement in (a) gaol—for terms under two years; (b) in penitentiaries—for longer terms.

VII. MISCELLANEOUS MATTERS

61. *General Statement.* There remain a great many matters on which much might be written, but limitations of space restrain the mention of more than a few of them.

62. *The Capital.* The Capital of Canada is the City of Ottawa, in the Province of Ontario. It is the site of the Dominion Parliament Buildings, the seat of government, and the residence of the Governor-General. Each Province has its own Provincial Capital, devoted to like purposes.

63. *National Flag.* Canada has no distinctive flag of its own. It adopts the National Flag of Great Britain, which is usually called the *Union Jack*. This flag in design is a union or entwining of the crosses of St. George, St. Andrew and St. Patrick, the Patron Saints of England, Scotland and Ireland respectively, into one design in red, white and blue. There are other flags flown in Canada, but they are not official. There is no objection to the flying of other flags in Canada, provided that the Union Jack is always given the place of honour.

64. *Military Service.* In times of peace a small *Permanent Force* is maintained, and a somewhat larger force of *Militia*. Enlistment in these forces is purely voluntary. Only when needed in emergency of war are citizens liable to be called into service, and then it is the solemn duty of every citizen to rally to the aid of his country.

65. *Official Languages.* In Dominion Government matters *English* and *French* are the official languages. That is also true of the Province of Quebec. In the other Provinces, English is the only official language in Provincial matters. No other language is official in any part of Canada, but there is no objection to the people using any language in their ordinary affairs of life. The reason why Canada is bilingual in some respects has already been mentioned.

66. *Public Holidays.* The National Holiday of Canada is called *Dominion Day* (the First of July)—the day on which the British North America Act came into effect in 1867, thus creating the Dominion of Canada. There are several others, but they are not all distinctly national in character. Each Province officially observes Dominion holidays and a few of its own.

67. *Religion.* In Canada no religion is either enforced or prohibited: all religions are respected. No person is compelled to attend any church service, nor to support any church establishment. At the same time all Canadians are encouraged to profess and practice some form of religion.

68. *Women's Rights.* In Canada women have almost equal rights with men in civil and political matters. They may hold property in their own names, conduct trade and business, and engage in professions. They may sue and be sued in Courts of Law. In nearly all Provinces they have the right to vote at Dominion, Provincial and Municipal elections, to be elected to political office, and to hold political appointments.

69. *Rights of Children.* Protection is afforded children by law against abuse and excessive hardship. They are required to attend school during school age, and are excluded from injurious employment. Their moral delinquencies are brought under the eye of the law.

70. *Education.* Each province has exclusive control of education within its boundaries. Each has built up an elaborate system, headed by a Minister of Education and officered by large and capable staffs. The schools may be noted in general thus:—

Primary Schools: These are open to all children, free of charge, for the lower grades. Several of the Provinces have two systems of primary schools to satisfy religious demands.

Secondary Schools: High Schools, carrying education on through higher grades, are not entirely free.

Colleges and Universities, where splendid facilities for higher education and professional work are open to all at a moderate cost. Many of these are denominational; others are supported in large part by the Provinces.

There are also many *Private Schools*—of various kinds. No school is forbidden if it provides education of required quality and scope.

71. *National Anthem.* Here again Canada has adopted from Great Britain "God Save The King"; the National Anthem of Great Britain is also the National Anthem of Canada. There is no other official Anthem for Canada. Other patriotic songs, however, such as "O Canada", are widely used. Canadians should learn to sing and join in the singing of these on proper occasions. For the convenience of readers and as an appropriate ending to this Booklet, the first stanza of the National Anthem is now set forth:—

GOD SAVE THE KING

God save our gracious King,
Long live our noble King,
 God save the King.
Send him victorious,
Happy and glorious,
Long to reign over us,
 God save the King.

